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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/624,191	07/24/2000	Mark Donner	06975-100001	6404

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EXAMINER	
EL CHANTI, HUSSEIN A	

ART UNIT	PAPER NUMBER
2157	

DATE MAILED: 07/18/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/624,191	DONNER ET AL.	
	Examiner	Art Unit	
	Hussein A. El-chanti	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 May 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *5/06*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

Response to Amendment

1. This action is RCE received on May 30, 2006. Claims 1-38 are pending examination.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 6, 7 and 11-38 are rejected under 35 U.S.C. 102(e) as being anticipated by Tsimelzon, U.S. Patent No. 6,834,306.

Tsimelzon teaches the invention explicitly as claimed including a system and method of notifying a user of changes to pre-selected portions of webpages (see abstract).

As per claims 1, 12 and 17, Tsimelzon teaches a method and computer program respectively for alerting a client of a state of change at a remote sever comprising:

creating a user profile including a request to receive at least one alert corresponding to a change in state at the remote server (see col. 1 lines 50-60, user selects portions of webpages to be notified in response to a change);

connecting to communications system including the remote server (see col. 12 lines 17-40);

instructing the remote server to generate an alert feed in response to the remote server detecting the state change (see col. 11 lines 30-62 and col. 2 lines 1-47, user selects portions of webpages to be monitored, if the selected portion is changed such as information added, deleted or modified, the user is notified of the change on the webpage);

detecting the alert feed (see col. 11 lines 30-62 and col. 2 lines 1-47);

generating an address of the remote server (see col. 12 lines 17-40, server sends an e-mail message having a URL of the changed content of the webpage);

navigating to the address of the remote server (see col. 13 lines 10-30, the client requests the shortapge in response to the notification);

retrieving data corresponding to a particular type of alert from the remote server in response to the detected alert feed (see col. 13 lines 10-30); and

using the retrieved data in delivering an alert to the client (see col. 13 lines 10-30, the webpage is displayed to the user in response to the update notification).

As to claim 3, Tsimelzon teaches the method of claim 1 wherein the address comprises a uniform resource locator (see col. 12 lines 20-25).

As per claims 6, Tsimelzon teaches the method of claim 1 wherein using a graphical user interface to create the user profile (see fig. 15a-b).

As per claims 7, Tsimelzon teaches the method of claim 1 wherein storing the user profile on a host (see col. 13 lines 1-28).

As to claim 8, Tsimelzon teaches the method of claim 1 wherein the alert corresponds to a state change at a remote mail server (see fig. 21).

As to claim 9, Tsimelzon teaches the method of claim 1 wherein the alert corresponds to a state change at a remote weather server (see fig. 21).

As to claim 10, Tsimelzon teaches the method of claim 1 wherein the alert corresponds to a state change at a remote stock server (see fig. 21).

As to claim 11, Tsimelzon teaches the method of claim 1 wherein the alert corresponds to a change at a remote third party server (see col. 12 lines 15-54).

As to claim 13, Tsimelzon teaches the computer readable medium claim 12 comprising a disc (see col. 13 lines 1-54).

As to claim 14, Tsimelzon teaches the computer readable medium claim 12 comprising a client device (see fig. 1 and corresponding illustration).

As to claim 15, Tsimelzon teaches the computer readable medium claim 12 comprising a host device (see fig. 1 and corresponding illustration).

As to claim 16, Tsimelzon teaches the computer readable medium claim 12 comprising a propagated signal (see fig. 1 and corresponding illustration).

As to claim 18, Tsimelzon teaches the apparatus of claim 17 wherein the client includes an embedded browser (see col. 6 lines 37-52).

As to claim 19, Tsimelzon teaches the apparatus of claim 17 wherein the browser is HTTP engine (see col. 6 lines 37-52).

As to claim 20, Tsimelzon teaches the apparatus of claim 17 wherein the client is configured to display a GUI to create user profile (see col. 6 lines 37-52).

As to claim 21, Tsimelzon teaches a method of alerting a client of a state change at a remote server, the method comprising:

creating a user profile including a request to receive at least one alert corresponding to a state change at the remote server; connecting to a communications system including the remote server (see col. 12 lines 17-40);

generating an address for the remote server from the user profile; instructing the remote server to broadcast alert feeds including information about the state of the remote server (see col. 12 lines 17-40);

transmitting an alert to the client every time an alert feed indicates a state change corresponding to the state change designated in the user profile; navigating to the address generated for the remote server (see col. 12 lines 10-col. 13 lines 50);

retrieving data corresponding to the state change from the remote server; and

using the retrieved data to deliver the content associated with the alert to the client (see col. 12 lines 10-col. 13 lines 50).

As to claim 22, Tsimelzon teaches at least one computer program, stored on at least one computer readable medium, comprising instructions for:

creating a user profile including a request to receive at least one alert corresponding to a state change at the remote server (see col. 12 lines 10-col. 13 lines 50);

connecting to a communications system including the remote server; generating an address for the remote server from the user profile;

instructing the remote server to broadcast alert feeds including information about the state of the remote server (see col. 12 lines 10-col. 13 lines 50) ;

transmitting an alert to the client every time an alert feed indicates a state change corresponding to the state change designated in the user profile; navigating to the address generated for the remote server; retrieving data corresponding to the state change from the remote server (see col. 12 lines 10-col. 13 lines 50); and

using the retrieved data to deliver the content associated with the alert to the client (see col. 12 lines 10-col. 13 lines 50).

As to claim 23, Tsimelzon teaches a state change alert apparatus for alerting a client of a state change at a remote server, comprising:

a host configured to cause the remote server to broadcast alert feeds including information about the state of the remote server (see col. 12 lines 10-col. 13 lines 50); and

transmit an alert to the client every time an alert feed indicates a state change corresponding to the state change designated in the user profile; and

a client configured to: create a user profile including a request to receive at least one alert corresponding to a state change at the remote server;

connect to a communications system including the remote server; generate an address for the remote server from the user profile (see col. 12 lines 10-col. 13 lines 50);

navigate to the address generated for the remote server; retrieve data corresponding to the state change from the remote server; and use the retrieved data to deliver the content associated with the alert to the client (see col. 12 lines 10-col. 13 lines 50).

As to claim 24, Tsimelzon teaches a method of alerting a client of a state change at a remote server, the method comprising:

creating a user profile including a request to receive at least one alert corresponding to a state change at the remote server;

connecting to a communications system including the remote server;

instructing the remote server to broadcast alert feeds including information about the state of the remote server (see col. 12 lines 10-col. 13 lines 50);

transmitting an alert and content behind the alert to the client every time an alert feed indicates a state change corresponding to the state change designated in the user profile; and receiving the alert and the content associated with the alert (see col. 12 lines 10-col. 13 lines 50).

As to claim 25, Tsimelzon teaches at least one computer program, stored on at least one computer readable medium, comprising instructions for:

creating a user profile including a request to receive at least one alert corresponding to a state change at the remote server (see col. 12 lines 10-col. 13 lines 50);

connecting to a communications system including the remote server; instructing the remote server to broadcast alert feeds including information about the state of the remote server;

transmitting an alert and content behind the alert to the client every time an alert feed indicates a state change corresponding to the state change designated in the user

profile; and receiving the alert and the content associated with the alert (see col. 12 lines 10-col. 13 lines 50).

As to claim 26, Tsimelzon teaches a state change alert apparatus for alerting a client of a state change at a remote server, comprising:

a host configured to cause the remote server to broadcast alert feeds including information about the state of the remote server; and transmit an alert and content behind the alert to the client every time an alert feed indicates a state change corresponding to the state change designated in the user profile; and a client configured to (see col. 12 lines 10-col. 13 lines 50):

create a user profile including a request to receive at least one alert corresponding to a state change at the remote server; connect to a communications system including the remote server; and receive the alert and the content associated with the alert from the host (see col. 12 lines 10-col. 13 lines 50).

As to claim 27, Tsimelzon teaches the method of claim 1, wherein creating a user profile comprises creating a user profile including a request to receive at least one alert from the remote server, the alert being configured to enable user notification of a change of state experienced by the remote server (see col. 11 lines 30-62 and col. 2 lines 1-47).

As to claim 28, Tsimelzon teaches the method of claim 1, wherein the state change at the remote server comprises a change to monitored content stored at the remote server (see col. 11 lines 30-62 and col. 2 lines 1-47).

As to claim 29, Tsimelzon teaches the method of claim 1, wherein the state change at the remote server comprises a change in content made available by the remote server, and wherein instructing the remote server to generate an alert feed comprises instructing the remote server to generate an alert feed upon detection by the remote server of a change in the content made available by the remote server (see col. 11 lines 30-62 and col. 2 lines 1-47).

As to claim 30, Tsimelzon teaches the method of claim 1, wherein the state change at the remote server comprises a change in content made available by the remote server, and wherein instructing the remote server to generate an alert feed comprises instructing the remote server to generate an alert feed upon occurrence of a change in the content made available by the remote server (see col. 11 lines 30-62 and col. 2 lines 1-47).

As to claim 31, Tsimelzon teaches the computer program of claim 12, wherein the instructions for creating a user profile comprises instructions for creating a user profile including a request to receive at least one alert from the remote server, the alert being configured to enable user notification of a change of state experienced by the remote server (see col. 11 lines 30-62 and col. 2 lines 1-47).

As to claim 32, Tsimelzon teaches the computer program of claim 12, wherein the state change at the remote server comprises a change to monitored content stored at the remote server (see col. 11 lines 30-62 and col. 2 lines 1-47).

As to claim 33, Tsimelzon teaches the computer program of claim 12, wherein the state change at the remote server comprises a change in content made available by

the remote server, and wherein the instructions for instructing the remote server to generate an alert feed comprises instructions for instructing the remote server to generate an alert feed upon detection by the remote server of a change in the content made available by the remote server (see col. 11 lines 30-62 and col. 2 lines 1-47).

As to claim 34, Tsimelzon teaches the computer program of claim 12, wherein the state change at the remote server comprises a change in content made available by the remote server, and wherein the instructions for instructing the remote server to generate an alert feed comprises instructions for instructing the remote server to generate an alert feed upon occurrence of a change in the content made available by the remote server (see col. 11 lines 30-62 and col. 2 lines 1-47).

As to claim 35, Tsimelzon teaches the apparatus of claim 17, wherein the means for creating a user profile comprises means for creating a user profile including a request to receive at least one alert from the remote server, the alert being configured to enable user notification of a change of state experienced by the remote server (see col. 11 lines 30-62 and col. 2 lines 1-47).

As to claim 36, Tsimelzon teaches the apparatus of claim 17, wherein the state change at the remote server comprises a change to monitored content stored at the remote server (see col. 11 lines 30-62 and col. 2 lines 1-47).

As to claim 37, Tsimelzon teaches the apparatus of claim 17, wherein the state change at the remote server comprises a change in content made available by the remote server, and wherein the means for instructing the remote server to generate an alert feed comprises means for instructing the remote server to generate an alert feed

upon detection by the remote server of a change in the content made available by the remote server (see col. 11 lines 30-62 and col. 2 lines 1-47).

As to claim 38, Tsimelzon teaches the apparatus of claim 17, wherein the state change at the remote server comprises a change in content made available by the remote server, and wherein the means for instructing the remote server to generate an alert feed comprises means for instructing the remote server to generate an alert feed upon occurrence of a change in the content made available by the remote server (see col. 11 lines 30-62 and col. 2 lines 1-47).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 2, 4 and 5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tsimelzon in view of Atsmon, U.S. Patent No. 6,607,136.

As to claim 8, Tsimelzon teaches alerting a client of a state of change at a remote sever comprising creating a user profile indicating preference to receive at least one alert corresponding to a change in state at the remote server (see the rejection of claim 1).

Tsimelzon does not explicitly teach the claimed limitation "instant messaging system". However Atsmon teaches a method of communicating notification between a server and a client using an instant messaging system (col. 4 lines 6-18).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Tsimelzon by incorporating an instant messaging system as taught by Atsmon because doing so would allow the user to be notified of updates or changes on a server instantaneously and therefore retrieve changes in the fastest communication method possible.

As to claim 4, Tsimelzon teaches the method of claim 1 wherein navigating to the address includes using a browser (see col. 10 lines 17-24).

Tsimelzon does not explicitly teach the claimed limitation "instant messaging system". However Atsmon teaches a method of communicating notification between a server and a client using an instant messaging system (col. 4 lines 6-18).

It would have been obvious for one of the ordinary skill in the art at the time of the invention to modify Tsimelzon by incorporating an instant messaging system as taught by Atsmon because doing so would allow the user to be notified of updates or changes on a server instantaneously and therefore retrieve changes in the fastest communication method possible.

As to claim 5, Tsimelzon teaches the method of claim 4 wherein the browser comprises a HTTP engine (see col. 6 lines 37-52).

Response to Arguments

4. Applicant's arguments have been fully considered but are not persuasive. Applicant argues in substance that Tsimelzon does not disclose the remote server generating an alert feed in response to the remote server detecting the state change and receiving the state change from the remote server in response to the detected alert feed.

In response, Tsimelzon teaches a system and method for monitoring portions of webpages and sending a notification to the client in the case an update is detected in the portion of the page (see abstract). The client creates a shortpage to be monitored on the proxy server 120. The proxy server stores a copy of the shortpage and monitors updates to the shortpage according to a user profile. The proxy server 120 retrieves a copy of the page every interval of time and parses the page to determine whether an update has occurred. If the proxy server determines there is an update, then the proxy server 120 sends a notification to the client to access the proxy server 120 to retrieve the updated version of the shortpage (see col. 5 lines 52-col. 6 lines 36). The remote server 120 is interpreted to be the claimed "remote server" that stores the shortpage. Server 120 also detects a change on server 120 if the shortpage has been updated (i.e. detecting a state change) and sends the client a notification to access server 120 to obtain a copy of the updated shortpage. Therefore Tsimelzon teaches the remote server generating an alert feed in response to the remote server detecting the state change and receiving the state change from the remote server in response to the detected alert feed.

5. This is a RCE of applicant's earlier Application No. 09/624,191. All claims are drawn to the same invention claimed in the earlier application and could have been finally rejected on the grounds and art of record in the next Office action if they had been entered in the earlier application. Accordingly, **THIS ACTION IS MADE FINAL** even though it is a first action in this case. See MPEP § 706.07(b). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no, however, event will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hussein A. El-chanti whose telephone number is (571)272-3999. The examiner can normally be reached on Mon-Fri 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on (571)272-4001. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Hussein El-chanti

June 28, 2006

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